

10-01-01

PTO/SB/05 (08-00)

4

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.

Bayer 10,139.3-KGB

First Inventor

THOMAS KRAHN ET AL.

Title

MASKING BACKGROUND  
FLUORESCENCE AND  
LUMINESCENCE IN OPTICAL  
ANALYSIS OF BIOMEDICAL ASSAYS

Express Mail Label No.

EL 867734844 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g. PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 14]  
(Preferred arrangement set forth below)  
- Descriptive title of the invention  
- Cross Reference to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Detailed Description of the Drawings (if filed)  
- Claim(s)  
- Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 10]
5. ☒ Oath or Declaration [Total Pages 2]  
a. ☐ Newly executed (original or copy)  
b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(For continuation/divisional with Box 17 completed)  
i. ☐ DELETION OF INVENTOR(S)  
Signed Statement attached deleting inventor(s)  
Named in the prior application, see 37 CFR 1.63  
(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary)  
a. ☐ Computer Readable Forms (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Paper (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney  
(When there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☒ Copies of 4 IDS Citations  
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(If foreign priority is claimed)
16. ☒ Other Appendix

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/194,099  
Prior application information: Examiner P. Do Group / Art Unit: 1641

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

☐ Customer Number or bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

Name Kurt G. Briscoe

Address

Norris McLaughlin &amp; Marcus, P.A.

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor

City

New York

State

New York

Zip Code

10017

Country

USA

Telephone

212-808-0700

Fax

212-808-084

Name  
(Print/Type)

Kurt G. Briscoe

Registration No.  
(Attorney/Agent)

33,141

Signature

Date

September 28, 2001

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

Application Number	Divisional of SN 09/194,099
Filing Date	Herewith
First Named Inventor	THOMAS KRAHN et al.
Examiner Name	To be assigned
Group Art Unit	To be assigned
Attorney Docket No.	Bayer 10,139.3-KGB

TOTAL AMOUNT OF PAYMENT **\$1,416.00**

### METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **14-1263**

Deposit Account Name **Norris McLaughlin & Marcus**

- ☒ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR § 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	710.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	
SUBTOTAL (1)			710.00

#### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
37	-20** = 17	X 18.00 =	306.00
Independent Claims	8 - 3** = 5	X 80.00 =	400.00
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
103 18	203 9	Claims in excess of 20	
102 80	202 40	Independent claims in excess of 3	
104 270	204 135	Multiple dependent claim, if not paid	
109 80	209 40	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			706.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non - English specification	
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR § 1.17(q)	
126 180	126 180	Submission of Information Disclosure Statement	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
168 900	169 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) **\$0.00**

### SUBMITTED BY

Name (Print/Type)	KURT G. BRISCOE	Registration No. (Attorney/Agent)	33,141	Telephone	212-808-0700
Signature		Date	September 28, 2001		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**CERTIFICATE OF MAILING BY EXPRESS MAIL (37 CFR 1.10)**

Express Mail Label No.: EL 867734858 US

Date of Deposit: September 28, 2001

I hereby certify that the following items:

1. Utility Patent Application Transmittal
2. Fee Transmittal (in duplicate)
3. Appendix
4. Specification (pp. 1-11), Claims (pp. 12-13), Abstract (p. 14)
5. 10 sheets of drawings
6. Combined Declaration and Power of Attorney (2 pages)
7. Preliminary Amendment
8. Information Disclosure Statement with Form PTO-1449 and 4 references

and this Certificate of Mailing by Express Mail are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above in an envelope addressed to: Box PATENT APPLICATION, Commissioner of Patents, Washington, D.C. 20231.

NORRIS McLAUGHLIN & MARCUS, P.A.

By: 

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
(212) 808-0700

10/22/01 2:23:50

## APPENDIX

### TITLE OF THE INVENTION:

MASKING BACKGROUND FLUORESCENCE AND LUMINESCENCE IN OPTICAL  
ANALYSIS OF BIOMEDICAL ASSAYS

### LIST OF INVENTORS:

Thomas KRAHN  
Wolfgang PAFFHAUSEN  
Andreas SCHADE  
Martin BECHEM  
Delf SCHMIDT

### CLAIM TO PRIORITY:

Priority is hereby claimed under 35 USC 119 on the basis of German Application  
Serial No. 196 21 312.6, filed on May 28, 1996. The priority document was filed in  
prior application Serial No. 09/194,099, filed on November 20, 1998.

### ASSIGNMENT:

The prior application is assigned to Bayer Aktiengesellschaft, at Reel 9859/Frame  
0555, recorded on November 20, 1998.

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